

REMARKS

Claims 1-11 have been canceled. No claims have been canceled by way of this response. Thus, claims 12-29 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Double Patenting Rejection:

The Examiner has provisionally rejected claims 12-29 on the ground of obviousness-type double patenting based on claims 8-22 of co-pending Application No. 10/570919. Applicants have amended independent claims 12, 23 and 27 to include the limitation of "transitioning between a normal operation and an overrun fuel cut-off operation mode of the engine" within the body of each of the respective independent claims. Claims 8-22 of Application 10/570919 are directed toward a smooth operation transition during a valve lift change-over and not an overrun fuel cut-off operation mode of the engine. Therefore the rejection is not applicable and Applicants respectfully request the Examiner withdraw the double patenting rejection.

Response to Rejections Under Section 102(e):

Claims 12-29 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Yoshida et al (USPN 6,708,668) and Pott et al. (2004/0163379). As discussed above, Applicants have amended independent claims 12, 23 and 27 to include the limitation of "transitioning between a normal operation and an overrun fuel cut-off operation mode of the engine" within the body of each of the respective independent claims. Both Yoshida et al. and Pott et al. do not recite the above limitations and Applicants respectfully request withdrawal of the section 102(e) rejections.

Applicants respectfully submit that claims 12, 23 and 27 are allowable as well as dependent claims 13-22, 24-26 and 28-29 based in part on their dependency from allowable claims 12, 23 and 27 and on their own merit.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and Applicants request allowance of claims 12-29. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated December 18, 2007

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